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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL C. ULRICH, :
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Plaintiff, :
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- v - :
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MOODY'S CORPORATION, et al., :
:
Defendants. :
:
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13-CV-8 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff's letter dated September 6, 2015, (Doc. 128), requesting that I treat his opposition to Defendants' motion for summary judgment, (Doc. 116; *see also* Docs. 117-124), as a cross-motion for summary judgment, and requesting an adjournment of the teleconference on his proposed additional claims of defamation and conspiracy. I also am in receipt of Defendants' response, dated September 10, 2015, opposing these requests, (Doc. 129), as well as Plaintiff's email reply dated September 11, 2015. The parties are instructed as follows:

- (1) Although Plaintiff already had the opportunity to file a motion for summary judgment and declined to do so, because allowing him to do so now would not unduly prejudice Defendants—as discussed below, they will have a chance to oppose Plaintiff's motion—and because Plaintiff is proceeding *pro se*, his request to treat his opposition as a cross-motion for summary judgment is granted. Plaintiff expressly requested that I “allow a jury to decide on the amount of damages,” (Doc. 128 at 1); accordingly, I treat Plaintiff's opposition as a cross-motion for partial summary judgment on the issues of liability only.

(2) As I previously ordered, I will consider Plaintiff's request to add defamation and conspiracy claims in conjunction with the parties' motions for summary judgment. I consider Plaintiff's request as a motion for leave to file an amended complaint. The parties can make whatever arguments that they have not yet made with respect to those claims in their briefing, described below. Plaintiff represents that he has "presented the equivalent of [his] case in chief[,] . . . [t]he evidentiary record is now complete," and "[b]ased on this record," he asks that the court grant summary judgment in his favor "on all issues of liability for . . . the additional claim of Conspiracy to Frame and Defame." (Doc. 128 at 1.) In light of this representation, I will treat Plaintiff's opposition brief and supporting documents, (Docs. 116-124), along with Plaintiff's July 20, 2015 letter, (Doc. 111), as presenting his argument in favor of his request to add additional claims.

(3) The parties should submit further briefing as follows:

- a. Defendants' opposition to Plaintiff's cross-motion for summary judgment (and, to the extent Defendants wish to raise additional arguments in opposition to Plaintiff's request to amend his complaint to add defamation and conspiracy claims), is due on October 9, 2015. Defendants should limit their brief to no more than 15 pages.
- b. Plaintiff's reply in support of his cross-motion for summary judgment (and in support of his request to amend his complaint to add defamation and conspiracy claims) is due on October 30, 2015. Plaintiff also should limit his brief to no more than 15 pages.¹


¹ Plaintiff's September 11, 2015 email suggests that he does not object to Defendants receiving 25 pages total for their reply in support of their motion for summary judgment and their opposition to Plaintiff's cross-motion. If either party believes they require additional pages, they should make that request in accordance with Rule 4.B. of my Individual Rules and Practices.

Upon the close of briefing with respect to Plaintiff's cross-motion and Plaintiff's motion for leave to amend his complaint to add defamation and conspiracy claims, I will not consider any further requests to amend the complaint or arguments related to such a request absent a substantial showing as to why I should do so.

- (4) The telephonic conference scheduled for October 2, 2015 is adjourned until December 18, 2015 at 9:00am. Counsel for Defendants should provide the Court with one dial-in number and one meeting code that all of the parties will use for the teleconference.

SO ORDERED.

Dated: September 15, 2015
New York, New York


Vernon S. Broderick
United States District Judge